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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 SHELTON D. SMALLWOOD,

10 Plaintiff,

11 v.

12 MARY BETH FLYGARE, *et al.*,

13 Defendants.

Case No. C17-1179-JCC-MAT

REPORT AND RECOMMENDATION

14 Plaintiff Shelton Smallwood is currently confined at the Coyote Ridge Corrections Center
15 (CRCC) in Connell, Washington. On August 3, 2017, plaintiff submitted to the Court for filing a
16 civil rights complaint under 42 U.S.C. § 1983. (*See* Dkt. 1.) Plaintiff alleges in his complaint that
17 he has been denied constitutionally adequate medical care for an injury to his stomach and/or
18 intestines while confined at CRCC. (*See id.*) He requests declaratory and injunctive relief, and
19 appointment of a special master. (*See id.* at 8-9.)

20 Plaintiff failed to submit with his complaint either the filing fee or an application for leave
21 to proceed with this action *in forma pauperis*. Accordingly, the Clerk sent plaintiff a letter advising
22 him that his submission was deficient and that he would have to submit an application for *in forma*
23 *pauperis* status and a certified copy of his prison trust account statement by September 5, 2017, or

1 risk dismissal of this action.¹ (Dkt. 2.) To date, plaintiff has submitted neither of these necessary
2 documents nor has he elected to pay the filing fee. As plaintiff has had ample time to meet the
3 filing fee requirement, but has failed to do so, this Court recommends that the instant action be
4 dismissed without prejudice for failure to prosecute. A proposed order accompanies this Report
5 and Recommendation.

6 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
7 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
8 and Recommendation is signed. Failure to file objections within the specified time may affect the
9 right to appeal. Objections should be noted for consideration on the District Judge's motions
10 calendar for the third Friday after they are filed. Responses to objections may be filed within
11 **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be
12 ready for consideration by the District Judge on **October 13, 2017**.

13 DATED this 20th day of September, 2017.

14
15 
16 Mary Alice Theiler
United States Magistrate Judge

23 ¹ The Clerk also advised plaintiff that his submission was deficient because he failed to sign his complaint.
(See Dkt. 2.) Plaintiff failed to correct this deficiency as well.